D.B. Civil Writ Petition (PIL)No.1436/2006

Balotra Vikas Samiti & Ors.
Vs.
State of Rajasthan & Ors.

Date of Order :: 14-07-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr. L.M. Lodha, for the petitioners.

This writ petition has been filed as a public interest litigation making grievance of the construction of a by-pass connecting Highway from Phalodi to Ramji Ka Gol called 'Megha Highway', passing through Pachpadra, Balotra and Jasol. It is said that the proposed route is circuitous and serpentine which would cause inconvenience to the local residents. The petitioner contends that by-pass is normally constructed on the outskirts of towns and the present route passing through the towns of Pachpadra, Balotra and Jasol is not in public interest. It is said that representations were made to the authorities which have gone in vain.

After hearing counsel for the parties, we are of the view that it is not possible to make a positive order on merit. What should be the route and alignment of a by-pass or road cannot be decided on affidavits. It has to be decided on the basis of local geography

keeping in view the welfare of the people and economics of the project. We notice that whenever a development work is undertaken, protest starts. Whether the protest is in public interest or not is to be decided basically by the concerned authorities. They are required to consider the grievance in a manner that the public at large derive maximum benefit with minimum inconvenience at minimum cost. These are matters which can be better gone into by the authorities on the basis of local factors, availability of funds etc.

We would accordingly ask the petitioner to make a fresh representation along with a copy of this order to the Chief Engineer, Public Works Department, National/State Highway Division Jaipur, Rajasthan in respect of his grievance, and direct the Chief Engineer to look into the matter and take such action as may be expedient and necessary in public interest at the earliest.

With the above observations and direction, the petition is disposed of.

[MOHD. RAFIQ],J. [S.N.JHA],CJ.

Praveen